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PUBLIC

SCHOOL LAW

OF

NORTH CAROLINA

AS COMPILED IN THE "REVISAL OF 1905 OF NORTH CAROLINA"

ISSUED IN PURSUANCE OF LAW
BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION

RALEIGH
E. M. UZZELL & Co., STATE PRINTERS AND BINDERS
1905

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1905



PREFACE.

For the information and convenience of school officers and of the general public, this pamphlet containing the School Law and notes thereon by the State Superintendent is issued as required by law. The sections correspond in numbering to the sections of the Revisal of 1905 of North Carolina, as compiled by the Commissioners appointed for that purpose. The publication of the pamphlet has been delayed on account of the delay in the publication of this Revisal. All amendments to the School Law by the General Assembly of 1905 are incorporated in the respective sections to which these amendments related.

All school officers and public school teachers are urged to read carefully this law and the accompanying notes. The notes are intended to aid in the explanation and interpretation of the law and to give helpful suggestions to teachers and school officers. A careful reading of the law and the notes will prevent many mistakes and much troublesome correspondence and delay. I bespeak the hearty co-operation of all school officers, teachers and friends of education in the wise and faithful administration of this law.

J. Y. JOYNER,

Superintendent Public Instruction.

Raleigh, N. C., July 25, 1905.

IMPORTANT CHANGES IN THE SCHOOL LAW BY THE GENERAL ASSEMBLY OF 1905.

For the convenience of those familiar with the Public School Law before the amendments enacted by the General Assembly of one thousand nine hundred and five, I beg to call attention to the following principal changes:

1. No person while actually engaged in teaching in the public schools is eligible as a member of the county board of education. See section 4119.

2. Township committees are required to take the census in townships by districts and may be paid at the usual rate of two cents per name for their services or may be allowed for their services for the entire year a dollar a day each for four days, but cannot be paid for both. The township committee is required to appoint one man in each school district to look after the school-house and property and advise with the committee. See section 4145.

3. Expenditures by school committees for supplies and repairs cannot be made without the order of the county board. See section 4149.

4. Schools in districts with a census of less than one hundred and fifty children are not, as heretofore, required to be closed when the attendance falls below one-fifth of the school census, but may be closed by the committee with the approval of the county superintendent of schools. See section 4164.

5. All of section twenty-six relating to county teachers' institute and school is stricken out and a new section, which explains itself, is substituted in place of it. See section 4167.

6. The per diem of members of county boards of education in every county is fixed at two dollars. See section 4134.

7. By striking out the words "unless prevented by geographical reasons or sparsely settled neighborhoods" in section twenty-nine, the county boards of education are now absolutely prohibited by law from creating any new school district with less than sixty-five children. See section 4129.

8. Where necessary, an existing school-house site may be enlarged by the same sort of condemnation proceedings as is now provided for procuring new sites. See section 4131.

9. Only certain essential elementary branches specifically named can be taught in public schools employing only one teacher. Public schools employing more than one teacher may teach in addition to these certain higher branches and high school studies after first making provision for the thorough teaching of the elementary branches. There is practically no change in the branches required to be taught in the public schools, but thoroughness in the elementary branches is emphasized, and neglect of these branches for the higher branches is prevented by limiting the subjects that may be taught in schools with one teacher and specifying additional subjects that shall be taught in schools with more than one teacher. See section 4087.

10. Two additional public examinations of teachers may be held by the county superintendent with the approval of the county board of education after a notice of at least ten days. Private examinations of applicants for teachers' certificates are discouraged by forbidding the county superintendent to give such examinations unless applicants can give a reasonable excuse for failure to attend the public examinations, and by requiring a fee of three dollars instead of one dollar for such examinations. With four examinations a year there ought to be little necessity for private examinations. See section 4162.

11. All doubt as to the requirement that the county superintendent shall visit the public schools of his county while in session is removed by striking out the words "under the direction of the county board of education." See section 4141.

12. Sheriffs are required in their settlement with the treasurer to make separate accounts of insolvents and delinquents allowed on property or capitation tax, and the county superintendent is required to file in his office copies of fines and penalties reported by justices of the peace to the clerk of the superior court. See section 4111.

13. The section of the law prescribing the form of reports by public school teachers is so changed as to make these reports conform to the new teachers' registers. See section 4165.

14. In cases of contract with teachers of a private school for teaching the public school in connection therewith, tuition may be charged

for instruction in higher branches of study, provided the apportionment of funds for the public school of the district would, in the opinion of the county board of education, be insufficient to provide instruction in these higher branches of study if the public school were taught separately. See section 4151.

15. The proper machinery for the establishment of public township high schools by township tax levied by a vote of the people, and for the establishment of such township high schools without the levying of a special tax where the public school funds are sufficient for that purpose, is provided. See section 4113.

16. The expense of holding elections for levying a special tax for schools in special tax districts under section seventy-two must be paid out of the general county school fund. See section 4115.

17. The board of education is required to publish annually the report of the treasurer of the school fund. See section 4133.

The principal changes in the rural library act are as follows:

1. The appropriation of ten dollars for rural libraries must now be made out of the general county school fund instead of the district fund. See section 4173.

2. Provision is made for the establishment of supplementary libraries in connection with libraries established under the laws of one thousand nine hundred and one and of one thousand nine hundred and three, and in connection with libraries that may be established under the new law of one thousand nine hundred and five, after one year from the establishment of the same. See section 4177.

3. After November thirtieth, one thousand nine hundred and six, and after November thirtieth of every second year thereafter, the balance of the biennial appropriation for rural libraries and for supplementary libraries unused on those dates by the counties and districts entitled thereto shall be available to any county or district complying with the required conditions, regardless of the number of libraries already established in the county. See section 4178. -

4. Annual reports from all local managers of libraries to the State Superintendent of Public Instruction are required in such form and at such time as he shall direct. See section 4175.

PUBLIC SCHOOL LAW

OF

NORTH CAROLINA

APPLICATION OF CHAPTER.

4029. This chapter not applicable to certain schools; such schools regulated. The provisions of this chapter shall not apply to any township, city or town now levying a special tax for schools and operating under special laws or charters, or to schools operating under section forty-seven, chapter one hundred and ninety-nine, laws of one thousand eight hundred and eighty-nine. School districts in any city or town now operating under section forty-seven, chapter one hundred and ninety-nine, laws of one thousand eight hundred and eighty-nine are hereby continued, and all vacancies in the school committees therein shall be filled by the county board of education. If such districts comprise a township there shall not be appointed township school committeemen for such township, and all apportionments shall be made directly to the committee of such districts. All such schools receiving any part of the public school fund shall be required to make to the state superintendent and the county superintendent such reports as these officers shall demand, and as are made by other public schools to them, and shall be under the general supervision of the state superintendent of public instruction.

1901, c. 4, s. 73; 1903, c. 435, s. 25.

STATE BOARD.

4030. Incorporated. The governor, lieutenant governor, secretary of state, treasurer, auditor, superintendent of public instruction, and attorney general shall constitute the state board of education, and by the name, the State Board of Education, are created a corporation, and by that name may sue and be sued; may have a common seal; may acquire, receive and hold real, personal

and mixed property by purchase, gift, devise or otherwise, and may sell, dispose of and convey the same; and may contract and be contracted with for the purposes provided in this chapter and for such other purposes as may be prescribed by law, and to that end may make such by-laws for its government and the exercise of its powers, and alter the same from time to time in its discretion, as shall not be in conflict with the laws of the state and of the United States; and shall be vested with all other powers conferred upon corporations under the general law relating to corporations.

Const., Art. IX, ss. 8, 9, 10; Code, s. 2503; 1881, c. 200; 1903, c. 567, s. 7.

4031. Officers; quorum; meetings; expenses. Of the board, the governor shall be president, the superintendent of public instruction shall be secretary, and the treasurer of the state shall be treasurer, and a majority of the board shall constitute a quorum for the transaction of business. The board shall hold its meetings in the executive office, and shall meet at such times as a majority of the members may appoint; but the governor may call a meeting at any time. The contingent expenses of the board shall be provided for by the general assembly.

Const., Art. IX, ss. 9, 12, 13; Code, s. 2504; 1881, c. 200, s. 2.

4032. Proceedings recorded. All the proceedings of the board shall be recorded in a well-bound and suitable book, which shall be kept in the office of the superintendent of public instruction.

Code, s. 2505; 1881, c. 200, s. 3.

4033. Succeeds to powers and property, etc., of literary fund. The state board of education shall succeed to all the powers and trusts of the "president and directors of the literary fund of North Carolina," and shall have full power to legislate and make all needful rules and regulations for the government of the public schools and for the management of the state educational fund. But all such acts, rules and regulations of the board may be altered, amended, or repealed by the general assembly, and when so altered, amended or repealed shall not be re-enacted by the board; and the board shall succeed to and have all the property, powers, rights, privileges and advantages which in anywise belonged or appertained to the "presi-

dent and directors of the literary fund of North Carolina," and may, in its own name, assert, use, apply and enforce the same.

Const., Art. IX, s. 10; Code, s. 2506; 1881, c. 200, s. 4; R. C., c. 66; R. S., cc. 66, 67.

4034. Accounts kept; reports made. The state treasurer shall keep a fair and regular account of all the receipts and disbursements of the state literary fund, and shall report the same to the general assembly at the same time when he makes his biennial account of the ordinary revenue; and the state board of education shall report to the general assembly the manner in which the fund has been applied or invested, with such recommendations for the improvement of the same as to it shall seem expedient.

Code, s. 2507; R. C., c. 66, s. 4; 1825, c. 1268, s. 2; 1903, c. 567, s. 1.

4035. How funds invested. The state board of education is authorized to invest in North Carolina four per cent. bonds or in other safe interest-bearing securities, the interest on which shall be used as may be directed from time to time by the general assembly for school purposes.

1891, c. 369.

NOTE. For apportionment and use of literary fund, see ss. 4093 and 4094.

SCHOOLHOUSE LOANS.

4053. Made by state board. The state board of education, under such rules and regulations as it may deem advisable, not inconsistent with the provisions of this chapter, may make loans from the state literary fund to the county board of education of any county for the building and improving of public schoolhouses in such county. But no warrant for the expenditure of any money for such purposes shall be issued by the auditor except upon the order of the state superintendent of public instruction, with the approval of the state board of education.

1903, c. 567, ss. 1, 2, 8.

4054. Terms of. Loans made under the provisions of this chapter shall be payable in ten instalments, shall bear interest at four per centum, payable annually, and shall be evidenced by the note of the county board of education, executed by the chairman and secretary thereof, and deposited with the state treasurer. The first instalments of such loan, together with the interest on the whole

amount then due, shall be paid by the county board on the tenth day of February after the tenth day of August subsequent to the making of such loan, and the remaining instalments, together with the interest, shall be paid one each year, on the tenth day of February of each subsequent year till all shall have been paid.

1903, c. 567, s. 3.

4055. How secured and paid. At the January meeting of the county board of education, before any instalment shall be due on the next tenth day of February, the county board shall set apart out of the school funds an amount sufficient to pay such instalment and interest to be due, and shall issue its order upon the treasurer of the county school fund therefor, who, prior to the tenth day of February, shall pay over to the state treasurer the amount then due. And any amount loaned under the provisions of this law shall be a lien upon the total school funds of such county in whatsoever hands such fund may be, and upon failure to pay any instalment or interest, or part of either when due, the state treasurer may deduct a sufficient amount for the payment of the same out of any fund due any county, from any special state appropriation for public schools, or he may bring action against the county board of education of such county, any person in whose possession may be any part of the school funds of the county, and the tax collector of such county. And if the amount of school fund then on hand be insufficient to pay in full the sum so due, then the state treasurer shall be entitled to an order directing the tax collector of such county to pay over to the state treasurer all moneys collected for school purposes until such debt and interest shall have been paid.

1903, c. 567, s. 4.

4056. Loans by county boards to school districts. The county board of education, from any sum borrowed under the provisions of this chapter, may make loans to any district in such county for the purpose of building schoolhouses in such district, and the amount so loaned to any district shall be payable in ten annual instalments, with interest thereon at four per centum, payable annually. At the January meeting of such county board it shall deduct from the apportionment made to any district which has borrowed under the provisions of this chapter, the instalment and interest

then due, and shall continue to deduct such amount at each annual January meeting until the whole amount shall have been paid, together with interest.

1903, c. 567, s. 5.

PUBLIC SCHOOLS.

4085. Uniform system; compulsory attendance. The people have the right to the privilege of education and it is the duty of the state to guard and maintain that right; and religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The general assembly shall provide by taxation and otherwise, for a general and uniform system of public schools, wherein tuition shall be free of charge to all children of the state between the ages of six and twenty-one years. And the general assembly is empowered to enact that every child, of sufficient mental and physical ability, shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

Const., Art. I, s. 27; Art. IX, ss. 1, 2, 15.

4086. Separate schools for races; no discrimination against either race. The children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of or to the prejudice of either race. All white children shall be taught in the public schools provided for the white race, and all colored children shall be taught in the public schools provided for the colored race; but no child with negro blood in his veins, however remote the strain, shall attend a school for the white race; and no such child shall be considered a white child. The descendants of the Croatan Indians now living in Robeson and Richmond counties shall have separate schools for their children as hereinafter provided in this chapter.

Const., Art. IX, s. 2; 1901, c. 4, s. 68; 1903, c. 435, s. 22.

4087. What taught. The branches to be taught in all the public schools shall be spelling, reading, writing, arithmetic, drawing, language lessons and composition, English grammar, geography, the history and the Constitution of North Carolina and of the United States, elements of agriculture and oral instruction in elementary physi-

ology and hygiene, including the nature and effect of alcoholic drinks and narcotics: Provided, that in public schools employing more than one teacher the elements of civil government, physiology and hygiene, including the nature and effect of alcoholic drinks and narcotics and such other subjects of study as the state board of education may direct, shall be taught after adequate provisions shall have first been made for the thorough teaching of the branches before named.

1905, c. 533, s. 9; 1901, c. 4, s. 37.

NOTE.—County superintendents and school committees should insist on enforcement of this section, limiting instruction in schools with only one teacher to the elementary subjects that are the foundation of an education, and allowing instruction in other branches only in schools with more than one teacher, and only after adequate provision has been made in these for thorough instruction in the first-named subjects. The younger children must not be neglected for the older, the primary classes for the advanced. The higher branches mentioned in section 4113 may be taught if time and funds and the number of teachers permit.

4088. Oath of office taken by officials. The members of the county board of education, the school committeemen and the county superintendent of public instruction shall, before entering upon the duties of office, take oath for the faithful performance thereof.

1901, c. 4, s. 45.

STATE SUPERINTENDENT.

4089. Shall equip office, print and circulate school law, superintend public schools. The superintendent of public instruction of North Carolina shall have the school laws published in pamphlet form and distributed on or before the first day of May of each year. He shall send to each officer a circular letter, enumerating his duties as prescribed in this chapter. He shall have printed all the forms necessary and proper for the purposes of this chapter, and shall look after the school interest of the state, and report biennially to the governor, at least five days previous to each regular session of the general assembly, which report shall give information and statistics of the public schools and recommend such improvements in the school law as may occur to him. He shall keep his office at the seat of government, and shall sign all requisitions on the auditor for the payment of money out of the state treasury for school

purposes. Copies of his acts and decisions, and of all papers kept in his office and authenticated by his signature and official seal, shall be of the same force and validity as the original. He shall be furnished with such room, fuel and stationery as shall be necessary for the efficient discharge of the duties of his office.

4090. Shall construe and enforce law; ascertain best school methods. He shall direct the operations of the system of public schools and enforce the laws and regulations in relation thereto. The county board of education and all other school officers in the several counties shall obey the instructions of the state superintendent and accept his constructions of the school law. It shall be his duty to correspond with leading educators in other states, and to investigate systems of public schools established in other states, and, as far as practicable, render the results of educational efforts and experiences available for the information and aid of the legislature and state board of education.

1901, c. 4, s. 8; 1903, c. 435, s. 1.

4091. Shall counsel county boards; hold institutes, etc. It shall be his duty to acquaint himself with the peculiar educational wants of the several sections of the state, and he shall take all proper means to supply such wants, by counseling with county boards of education and county superintendents, by lectures before teachers' institutes, and by addresses to public assemblies on subjects relating to public schools and public school work.

1901, c. 4, s. 9.

4092. Duties as to loan fund. He shall go to any county when necessary for the due execution of the law creating a permanent loan fund for the erection of public schoolhouses. He shall include in his annual reports a full showing of everything done under the provisions of the law creating the permanent loan fund for the erection of public school buildings.

1903, c. 751, ss. 11, 12.

FUNDS FROM THE STATE.

4093. Special permanent fund. The proceeds of all lands that have been or may hereafter be granted by the United States to this state, and not otherwise appropriated by this state or the United

States, also all moneys, stocks, bonds and any other property now belonging to any state fund, for the purposes of education, also the net proceeds of sales of swamp lands belonging to the state, and all other grants, gifts or devises that have been made or hereafter may be made to this state, and not otherwise appropriated by this state or by the terms of the grant, gift or devise, shall be paid into the state treasury, and, together with so much of the ordinary revenue of the state as may be set apart for that purpose, shall be faithfully appropriated for establishing and maintaining a system of free public schools, as established in pursuance of the constitution and for no other purpose whatsoever. And all funds of the state heretofore derived from the sources enumerated in section four, article nine of the state constitution, and all funds that may be hereafter so derived, together with any interest that may accrue thereon, shall be a fund separate and distinct from the other funds of the state, to be known as the state literary fund.

Const., Art. IX, s. 4; 1901, c. 4, s. 4; 1903, c. 567, s. 1.

4094. Apportionment of income of school fund. The state board of education shall, on the first Monday in August of each and every year, apportion among the several counties of the state all the school funds which may be then in the treasury of the board, and order a warrant for the full apportionment to each county, which apportionment shall be made on the basis of the school population, but no part of the permanent school fund shall be apportioned or distributed, but only the income therefrom. The state auditor shall keep a separate and distinct account of the public school funds, and of the income and interest thereof, and also of such moneys as may be raised by state, county and capitation tax, or otherwise, for school purposes.

1901, c. 4, s. 1.

4095. Apportionment, how paid. Upon the receipt of the requisition of the treasurer of any county, duly approved by the chairman and secretary of the county board of education for the school fund which may have been apportioned to such county, the state board of education shall issue its warrant on the state auditor for the sum due such county, whereupon the auditor shall draw his warrant on the treasurer of the state board of education in favor

of such county treasurer for the amount set forth in the warrant of the state board.

1901, c. 4, s. 2.

4096. Warrants, how drawn and indorsed. The state treasurer shall receive and hold as a special deposit all school funds paid into the treasury, and pay them out only on the warrant of the auditor, issued on the order of the state board of education in favor of a county treasurer, duly endorsed by the county treasurer in whose favor it is drawn, and it shall be the only valid voucher in the hands of the state treasurer for the disbursement of school funds.

1901, c. 4, s. 3.

4097. Annual appropriation for distribution. One hundred thousand dollars is hereby appropriated, annually, out of the state treasury for the benefit of the public schools, to be distributed to the respective counties of the state, per capita as to school population, on the first Monday in January of each year, using the school census of the previous scholastic year as a basis of apportionment.

1901, c. 543, s. 1.

4098. Warrants, how drawn. The superintendent of public instruction shall issue warrants upon the state auditor for the amount due each county under the next preceding section, such warrants to be drawn in favor of the county treasurer of each county to be credited to the general public school fund of the county.

1901, c. 543, s. 2.

4099. Annual appropriation to equalize schools. One hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated annually out of the state treasury for the purpose of bringing up to the constitutional requirement for a four months' public school term in each school district in the state, those public schools whose terms, after the distribution and application of all other school funds, do not comply with such requirement, to be distributed and applied in the manner hereinafter set forth. The subsequent provisions of this subchapter shall apply only to the distribution of the hundred thousand dollars appropriated under this section, and in the event that such sum shall be insufficient for the purpose specified, then it shall be apportioned by the state board of

education pro rata, or in such manner as that board may deem fair and equitable among the counties applying for aid hereunder.

1901, c. 543, s. 3; 1903, c. 751, s. 3.

4100. Reports required to obtain part of fund to equalize schools. At the January meeting of each year the county board of education of each county shall report to the state superintendent of public instruction the school districts in such county which can not have a four months' term, designating each by number and township, with a statement of funds available for school purposes for each of such districts, funds obtained by special local taxes and balances brought over from preceding fiscal year not to be included in such statement, the census and monthly running expenses thereof, the number of pupils enrolled, the average daily attendance, the salary paid to teachers in such district and such additional facts in regard thereto as may be required by the state superintendent. The county board of education shall likewise report the school census of the entire county, the total school funds available, the total apportionment made at such January meeting and the total amount left unapportioned.

1903, c. 751, s. 4.

4101. State board to fix amount to be paid each school. The state superintendent shall forthwith lay these facts before the state board of education, which shall thereupon, after full investigation, fix and determine the amount which must necessarily be apportioned to each district to enable it to have a four months' term; but in fixing such amount no consideration shall be had of any funds available by reason of special local taxes, and any rural district having funds raised by such local tax shall be entitled to the same appropriation under this title as if there had been no such funds.

1903, c. 751, s. 5.

4102. Statement of apportionment filed with auditor; warrants issued. When such apportionment shall have been so made, an itemized statement thereof shall be filed with the auditor, who shall thereafter, upon the warrant of the state superintendent of public instruction, issue his warrant upon the state treasurer, payable to the county treasurer of each of the respective counties in the sum shown by such itemized statement to have been appropriated to such

county. The amount designated as having been apportioned to each district shall be available for that district only and only for the specific purpose of providing a four months' school term.

1903, c. 751, s. 6.

4103. Schools of less than sixty-five excluded, when. No school with a school census of less than sixty-five shall receive any benefit under this subchapter unless the formation and continuance of such district shall have been for good and sufficient reasons, to-wit, sparsity of population or peculiar geographical conditions, such as intervening streams, swamps or mountains, such reasons to be set forth in an affidavit by the chairman of the county board and the county superintendent, and to be approved by the state superintendent of public instruction.

1903, c. 751, s. 7.

4104. What necessary to procure fund for equalizing schools. No appropriation shall be made to any county unless the county superintendent, the chairman of the board of county commissioners and the clerk of the superior court shall make affidavit to the effect that all fines, penalties, forfeitures and other moneys properly belonging to the school fund have been so applied, and that the constitutional limit of taxation has been reached in such county.

1903, c. 751, s. 8.

4105. Teachers' salaries as basis for apportionment. In calculating the necessary monthly expenses of districts applying for aid under this subchapter, not more than the average monthly salary paid white teachers in the state for the preceding year shall be allowed each white teacher, and not more than the average monthly salary paid colored teachers in the state for the preceding year shall be allowed each colored teacher, and no second-grade teacher of either race shall be allowed more than the salary paid second-grade teachers of that race in that county. And to any school having more than one teacher only such average salary shall be allowed for every thirty-five pupils enrolled therein.

1903, c. 751, s. 9.

4106. Excessive appropriations for schoolhouses exclude from benefits of this subchapter. No appropriation shall be made to any county wherein has been expended or set aside during the fiscal

year for the purpose of building schoolhouses a percentage of the total school fund of such county greater than the following: In counties with a total school fund of five thousand dollars or less, not to exceed twenty per centum thereof; in counties with a total school fund of over five thousand dollars and not more than ten thousand dollars, not to exceed sixteen per centum thereof; in counties with a total school fund of over ten thousand dollars and not more than twenty-five thousand dollars, not to exceed ten per centum thereof; in counties with a total school fund of over twenty-five thousand dollars, not to exceed seven and one-half per centum thereof. Nor shall any appropriation be made under this subchapter to any county if it appear that the requirements of the school law in regard to the apportionment of funds to the various districts have not been complied with in all respects.

1903, c. 751, s. 10.

FUNDS FROM THE COUNTY.

4107. County educational fund for free public schools. All moneys, stocks, bonds and other property belonging to a county school fund, also the net proceeds from sales of estrays, also the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the state, and all moneys which shall be paid by persons as equivalent for exemption from military duties; also the net proceeds of any tax imposed on licenses to retailers of wines, cordials, or spirituous liquors and to auctioneers, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties as established in pursuance of the constitution. The amount collected in each county shall be reported annually to the state superintendent of public instruction.

Const., Art. IX, s. 5; 1901, c. 4, s. 5.

4108. County officers file list of fines and penalties with county board of education. The clerks of all state and municipal courts and the clerks or other officials having in custody the records of any city or town in the state shall furnish to the county board of education of their respective counties, on the first Monday of July and January of each year, a detailed statement of fines, forfeitures

and penalties which go to the school fund that have been imposed, or which have accrued.

1901, c. 4, s. 62.

4109. Tax lists to have separate columns for school taxes.

The auditor shall include on the form which he furnishes to the board of county commissioners and on which the tax lists are to be made out, separate columns for school poll tax and school property tax. In one of these columns shall be written the total poll tax levied by the state and by the county authorities for schools, and due by the taxpayer. In the other column shall be written the total property tax levied by the state and by the county authorities, and due by the taxpayer.

1901, c. 4, s. 60.

4110. Register of deeds to furnish abstracts of tax lists to county board. The register of deeds shall furnish to the county board of education, as soon as the tax lists are made out, an abstract of such lists, showing in separate columns the total amount of poll tax on such lists, and also the total amount of property tax thereon; and shall furnish such other information from his office as the county board of education may require.

1901, c. 4, s. 61.

4111. Sheriff's liability, civil and criminal, for failure to settle school tax. The sheriff of each county shall pay annually, in money, to the treasurer of the county school fund, on or before the thirty-first day of December of each year, the whole amount for school purposes collected by both state and county, less his lawful commission for collecting the same, and such sum as may be allowed on account of insolvents for the current year; and on failing to do so shall be liable to an action on his official bond for his default in such sum as will cover such default, such action to be brought to the next ensuing term of the superior court in the name of the state upon the relation of the board of county commissioners. In making settlement with the treasurer the sheriff or tax collector shall make separate account of insolvents and delinquents allowed, whether on property or capitation tax. The county superintendent shall make copies of the fines and penalties reported by justices of the peace and

reported to clerk of superior court and file the same with the county board.

Code, s. 723; 1901, c. 4, s. 54; 1905, c. 533, s. 20.

4112. Special tax for support of public schools. If the tax levied for the state for the support of the public schools shall be insufficient to maintain one or more schools in each school district for the period of four months, then the board of commissioners of each county shall levy annually a special tax to supply the deficiency for the support and maintenance of such schools for the period of four months or more. The tax shall be collected by the sheriff in money, and he shall be subject to the same liabilities for the collection of and accounting for such tax as for other taxes. The tax shall be levied on all property, credits and polls of the county; and in the assessment of the amount on each the commissioners shall observe the constitutional equation of taxation; and the funds thus raised shall be expended in the county in which collected, in such manner as the county board of education may determine for maintaining the public schools for four months at least in each year. But the county board of education shall not be required to expend upon a district containing less than sixty-five pupils the same sum it may give to larger districts, notwithstanding an inequality of length of school terms may be the result. The county board of education, on or before the annual meeting of the commissioners for levying county taxes, shall make an estimate of the amount of money necessary to maintain the schools for four months and submit it to the board of county commissioners.

1901, c. 4, s. 6.

4113. Special tax may be voted for township high schools. In any township upon petition of one-fourth of the freeholders of the township, approved by the county board of education, the board of county commissioners after thirty days' notice at the courthouse door and three public places in the township shall hold an election to ascertain the will of the people within the township whether there shall be levied in said township a special annual tax of not less than ten cents nor more than thirty cents on the one hundred dollars valuation of property and not less than thirty cents nor more than ninety cents on each poll, in addition to all other taxes levied for all other

purposes, to be used for the establishment of a central high school or high schools in said township in case such special tax is voted. The board of county commissioners shall appoint a registrar and order a new registration for said township, and said election shall be held in the said township under the law governing general elections as nearly as may be, and the expenses of such election shall be paid out of the general county school fund. At said election those who are in favor of the levy and collection of said tax shall vote a ticket on which shall be printed or written the words "For High School Tax" and those who are opposed shall vote a ticket on which shall be printed or written the words "Against High School Tax." In case a majority of the qualified voters at said election are in favor of said tax, then so much of the tax on property and polls herein provided for as in the judgment of the committee may be necessary shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes. All moneys levied under the provisions of this section shall upon collection be placed by the treasurer of the county school fund to the credit of the township high school committee, composed of three members, appointed by the county board of education, and shall be expended exclusively by said committee in establishing and maintaining one or more high schools in said township under such rules and regulations as to its conduct and such course or courses of study as shall be prescribed by the state superintendent of public instruction. The powers, duties and qualifications of the committeemen provided for in this section shall be similar to those of other school committeemen and they shall have the same power to apportion the funds so raised as is conferred upon the county board of education for apportionment of the general fund among the schools of the township. And the provisions of this section shall not be so construed as to prevent the teaching of the elementary branches in such high schools as may be established nor so construed as to prevent the county board of education from making such apportionment of public school funds to such high schools as they may deem equitable and just: Provided, that township high schools may also be established without the levying of a special high school township tax where the public funds are sufficient for that purpose, under such rules and regulations as to organization and course of study as the state superintendent of public instruction shall prescribe: Provided further,

that high school subjects may be taught in all public schools employing more than one teacher according to such rules and regulations as to organization and course of study as shall be prescribed by the state superintendent of public instruction where the public funds are sufficient to provide for such teaching, but the high school branches taught in such schools shall not interfere with the thorough teaching of the elementary branches.

1901, c. 4, s. 71; 1905, c. 533, s. 13.

4114. Special tax may be voted in cities and towns. In every incorporated city or town in which there is not now levied a special tax for schools, upon a petition signed by one-fourth of the freeholders therein, the board of aldermen or town commissioners of said city or town shall, at the date of municipal or general election next ensuing upon the presentation of said petition order an election to be held to ascertain the will of the people whether there shall be levied in such city or town a special annual tax of not more than thirty cents on the one hundred dollars valuation of property and ninety cents on the poll to supplement the public school fund in such city or town. Said election shall be held in the different election precincts or wards under the law governing municipal or general elections in said cities or towns. At said election those who are in favor of the levy and collection of said tax shall vote a ticket on which shall be printed or written the words "For Special Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against Special Tax." In case a majority of the qualified voters at said election is in favor of said tax the same shall be annually levied and collected in such town or city in the manner prescribed for the levy and collection of other city taxes. All moneys levied under the provisions of this section shall, upon collection, be placed to the credit of the town school committee, composed of not less than five nor more than seven members, appointed by the board of aldermen for said city or town, and shall be, by said committee, expended exclusively upon the public schools in said city or town, and there shall be but one school district in the said city or town, in which there may be established one or more schools for each race, and the school committee shall apportion the money among said schools in such manner as in their judgment will equalize school facilities.

1901, c. 4, s. 71.

4115. Special tax may be voted in special school districts.

Special school tax districts may be formed by the county board of education in any county without regard to township lines under the following conditions: Upon a petition of one-fourth of the freeholders within the proposed special school district, endorsed by the county board of education, the board of county commissioners, after thirty days' notice at the courthouse door and three public places in the proposed district, shall hold an election to ascertain the will of the people within the proposed special school district whether there shall be levied in such district a special annual tax of not more than thirty cents on the one hundred dollars valuation of property and ninety cents on the poll to supplement the public school fund, which may be apportioned to such district by the county board of education, in case such special tax is voted. The board of county commissioners shall appoint a registrar and order a new registration for such district and the election shall be held in the district under the law governing general elections as near as may be: Provided, the expense of holding said election shall be paid out of the general school fund of the county. At such election those who are in favor of the levy and collection of the tax shall vote a ticket on which shall be printed or written the words "For Special Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against Special Tax." In case a majority of the qualified voters at the election is in favor of the tax, the same shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes. All moneys levied under the provisions of this section shall, upon collection, be placed to the credit of the school committee in such district, which committee shall be appointed by the county board of education; and such school committee shall apportion the money among the schools in such district in such manner as in its judgment shall equalize school facilities.

1901, c. 4, s. 72; 1903, c. 435, s. 24; 1905, c. 533, s. 14.

4116. Apportionment of school funds; reservation of contingent fund. The county board of education shall, on the first Monday in January and the first Monday in July of each year, apportion the school fund of the county to the various townships per capita; but it shall, before apportioning the school fund to the vari-

ous townships, reserve, as a contingent fund, an amount sufficient to pay the salary of the county superintendent and per diem and expenses of the county board of education; and shall set aside one-sixth, if necessary, of the total school fund to be used in securing a four months' school term in every school in the county; and may further reserve, as a fund for building and repairing schoolhouses and for equipment, in counties with a total school fund of five thousand dollars or less, not more than twenty per centum thereof; in counties with a total school fund of over five thousand dollars and not more than ten thousand dollars, not more than sixteen per centum thereof; in counties with a total school fund of over ten thousand dollars and not more than twenty-five thousand dollars, not more than ten per centum thereof; in counties with a total school fund of over twenty-five thousand dollars, not more than seven and a half per centum thereof; to be used as directed in section four thousand one hundred and twenty-four. It shall be the duty of the county board of education to distribute and apportion the school money of each township so as to give to each school in the township for each race the same length of school term as nearly as may be each year. In making such apportionment the board shall have proper regard for the grade of work to be done and the qualifications of the teachers required in each school for each race. As soon as the apportionments are made it shall be the duty of the board to notify the school committeemen and the treasurer of the county school fund of the amount apportioned to each school, designating each school by number, and stating whether for white, colored or Indian, and naming the township and county. Funds unused by any district during any year shall, if still unused at the January meeting subsequent to the close of the school year, be returned to the general school fund for reapportionment, unless such district shall have been prevented from using such funds during that year by providential or other unavoidable causes.

1901, c. 4, s. 24; 1903, c. 435, s. 9.

NOTE.—1. *The Contingent Fund*.—This fund must be reserved before apportionment and can be used only for the expenses specifically mentioned herein, the salary of the county superintendent and the per diem and expenses of the county board of education.

2. *The fund for aiding in bringing weak districts to a four months' term*.—This fund must be reserved in all counties having more than a four months'

term in the schools of some townships and less than a four months' term in the schools of other townships. In such counties such a fund, up to the maximum of one-sixth of the total school fund, must be used for lengthening the terms in all weak districts before one cent can be given for this purpose out of the second hundred thousand dollars appropriated by the State. (See sections 4099 and 4106). This fund need not be reserved in counties having a four months' term in all schools or in counties not having it in any. The purpose of this provision is to require all counties that are able to use a reasonable part of their own funds to help their own weak districts to have a four months' term before asking the State to aid them, thus making such counties bear a part of their own burden. If reserved at all, this fund also must be reserved before apportionment.

3. *The Building Fund.*—The reserving of a building fund is permissive and not compulsory, but such a fund should be reserved in every county needing new or better buildings, and when reserved it must also be deducted before the apportionment is made. The maximum per cent. of the total fund that may be set aside for building is fixed herein for the various counties, but of course any smaller per cent. may, if sufficient, be set aside. I think it but fair, and I am sure it is wise, to divide the burden of the expense of building between the county and the district, as directed also in section 4124. (See that section and the note thereon). If each district were required to bear out of its apportionment the entire expense of building, many weak districts would be compelled to close their schools for one or more years, and the important work of building and improving schoolhouses would be greatly retarded. Districts applying for aid from the special appropriation for a four months' school term will be required to account for their entire apportionment, and will not be allowed to make up out of this appropriation the deficit caused by using all or part of their apportionment for building.

4. *The Apportionment.*—After reserving as much as the board in its discretion may determine to be necessary for the above funds within legal limits, the balance of the total school fund must be apportioned to the various townships per capita. The township must be the unit of apportionment. The part of each township is easily determined by dividing the balance of the total fund to be apportioned by the total number of children of school age in the county and multiplying this quotient by the total number of children of school age in the township. The county board of education should then fix the maximum salary for each school for each race in each township, as authorized in section 4163, and then reapportion each township's money between the races and among the different schools of each race as directed herein. In this reapportionment large discretion is given to the boards, and much judgment and care should be exercised by them so as to avoid discrimination or injustice and to equalize as nearly as may be school terms.

5. *Unused Funds.*—Funds unused by any district at the January meeting subsequent to the close of the school year must be reapportioned, unless the board decides that they were not used on account of providential or other unavoidable causes.

4117. Apportionment, basis of. The semi-annual apportionment of public school money shall be based upon the amounts actually

received by the county treasurer from all sources and reported by him to the county board of education as required by this chapter.

1901, c. 4, s. 25.

4118. Fiscal school year. The fiscal school year shall begin on the first day of July and close on the thirtieth day of June next succeeding.

1901, c. 4, s. 67.

COUNTY BOARD OF EDUCATION.

4119. Election of; vacancies in, how filled. The general assembly shall biennially appoint three men in each county, of good business qualifications and known to be in favor of public education, who shall constitute the county board of education. The term of office of the members of the county board of education so appointed shall begin on the first Monday in July next succeeding their appointment, and shall continue for two years and until their successors are duly appointed and qualified. In case of a vacancy in the county board of education by death, resignation or otherwise, such vacancy shall be filled by the remaining members of such county board; but if such vacancy should remain unfilled for thirty days after it occurs, it shall be filled by the state board of education. Upon failure of the general assembly to appoint the three members of the county board of education for any county as herein provided, or any one or more of such members, such failure shall constitute a vacancy which shall be filled by the state board of education: Provided, that no person while actually engaged in teaching in the public schools shall be eligible as a member of the county board of education.

1901, c. 4, s. 12; 1903, c. 269, c. 435, s. 3; 1905, c. 533, s. 3.

4120. Qualification of members; failure to qualify; vacancy. Those persons who shall be appointed members of the county board of education by the general assembly must qualify by taking the oath of office on or before the first Monday in July next succeeding their appointment. A failure to qualify within that time shall constitute a vacancy, which shall be filled by the state board of education. Those persons who shall be elected or appointed to fill a vacancy must qualify within thirty days after notification thereof. A failure to

qualify within that time shall constitute a vacancy to be filled by the board which made such election or appointment.

4121. Incorporated; powers and duties of. The county board of education shall be a body corporate by the name and style of The County Board of Education of County, and by that name shall be capable of purchasing and holding real and personal estate, of building and repairing schoolhouses, of selling and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation. It shall have power and authority, and it shall be its duty, to institute and prosecute any and all actions, suits or proceedings against any and all officers, persons or corporations, or their sureties, for the recovery, preservation and application of all moneys or property which may be due to or should be applied to the support and maintenance of the schools, except in case of a breach of his bond by the treasurer of the county school fund, in which case action shall be brought by the county commissioners as is hereinafter provided.

1901, c. 4, s. 13; 1903, c. 435, s. 4.

4122. Rules and regulations for schools, teachers and pupils. The county board of education shall have power and authority to fix and determine the methods of conducting the public schools in their respective counties so as to furnish the most advantageous methods of education available to the children attending the public schools in the several counties of the state; and such board and the county superintendent of public instruction shall have full power to make all just and needful rules and regulations governing the conduct of teachers and pupils as to attendance on the schools, discipline, tardiness and the general government of the schools.

1903, c. 435, s. 4.

NOTE.—Somewhat full powers are vested in the county board of education and the county superintendent for the regulation and government of the schools by this section. Under this general authority they have a right to make any reasonable requirement of teachers that would contribute to the attendance and success of the school or to the efficiency of the teacher. Where the conditions are favorable, for example, they would have a right to require all teachers to join the county teachers' association and to attend its meetings as often as reasonable and to do the work outlined and required. A live superintendent could make such an association exceedingly helpful in the

improvement of his teachers, especially if he can secure, as some county superintendents have succeeded in doing, a working teachers' library for his association. There is no reason why a competent county superintendent should not do through such an association for the teachers of the public schools of an entire county a work similar to that done by a competent city superintendent for the teachers of the public schools of the city. The county board and superintendent have about as much authority under this section for the general regulation of the county schools as the trustees and the superintendent of the city schools have for the regulation of them.

The state superintendent has suggested some rules and regulations for the government of the public schools for adoption by county boards, which have been approved by the state and district associations of county superintendents. Printed copies of these rules and regulations have been sent to all county superintendents, and other copies will be sent to any person applying to him. These have already been adopted by a number of boards and have been found very helpful in the management of the schools.

4123. Time of opening and closing schools. The time of opening and closing the public schools in the several public school districts of the state shall be fixed and determined by the county boards of education in their respective counties. The board may fix different dates for opening the schools in different townships, but all the schools of each township must open on the same date as nearly as practicable.

1903, c. 435, s. 4.

NOTE.—The school term is required to be continuous, so far as practicable, by section 4103. Any one with any experience in teaching will understand the wisdom of requiring, so far as possible, a continuous term of the public school instead of dividing the term into two or more. An interruption in school work has the same effect upon it that an interruption of any other sort of work has upon that work. It disorganizes and distracts attention. The last weeks of a continuous term of school are always the most fruitful weeks because the friction of organizing and classification has been removed, the work is moving smoothly, the daily duties of the children well defined, and regular habits of working formed. An interruption of the term, rendering it necessary to begin a new term, necessitates loss of time, labor and energy in reorganizing the school, in getting the attention of the children again to their work, and in reviewing and picking up the stitches dropped during the intervening vacation. If the term must be divided, it is best, if possible, to divide it so that the last part of it may be placed at the beginning of the term of the new school year, so as to lengthen that and have a continuous session.

The economy and convenience of fixing, so far as possible, the same dates for the opening of all the schools in a township, so as to have all of them in session at the same time, are apparent. Under this plan the county superintendent can visit more conveniently and economically the public schools while in session and can make his township teachers' meetings much more successful.

4124. Schoolhouses, building and approval of; contracts for.

The building of all new schoolhouses shall be under the control and direction of and by contract with the county board of education. The board shall pay not exceeding one-half of the cost of the same out of the fund set aside for building under section four thousand one hundred and sixteen, and the school district in which any schoolhouse is erected shall pay the other part, and upon failure of such district to provide its part by private subscription or otherwise the board is directed to take it out of the apportionment to that district. But the board shall not be authorized to invest any money in any new house that is not built in accordance with plans approved by the state superintendent of public instruction. All contracts for buildings shall be in writing and all buildings shall be inspected, received and approved by the county superintendent of public instruction before full payment is made therefor.

1903, c. 435, s. 4.

NOTE.—This section places the building of schoolhouses absolutely under the control of the county board of education, and directs them to pay not exceeding one-half of the cost of the same out of the building fund set aside under section 4116 from the general fund. The balance of the cost must be raised by private subscription or paid out of the district fund. Any district applying for aid from the second hundred thousand dollars, however, must account for its entire apportionment from the county fund, and will not be allowed to deduct the amount used for building and make up the deficit out of this fund.

All houses must be built in accordance with plans approved by the state superintendent. Plans satisfactory to the state superintendent have been carefully prepared by competent architects and published in pamphlet form for general distribution. They may be had upon application to him. These pamphlets contain specifications, bills of material, blank contracts and estimates of cost. The plans are for houses with from one to eight rooms, and may of course be reasonably modified, or entirely different plans that the superintendent would for good reasons approve might be adopted by county boards.

In many counties self-help could be stimulated, the building fund made to go much farther and better houses secured if the county board would adopt a general rule of giving for building one dollar for every one or two dollars raised by private subscription by the district. In making such propositions regard should be had to the ability of different districts.

County boards ought to build only neat, comfortable houses.

Consolidation of districts can often be secured, where needed, by the refusal of county boards to appropriate any money for building new houses in small districts that ought to be consolidated. When new houses are built in small districts that ought to be abolished, the abolition or consolidation of the dis-

tricts is rendered much more difficult in all cases, and in some cases almost impossible. Great care should be given, therefore, to the proper location of new houses. Reduce districts to the smallest possible number, and thereby reduce to a minimum the number of necessary houses. Endeavor to secure larger and better houses, centrally located in larger districts. This is both economy and common sense. Attention should be given also to the selection of beautiful, public and accessible sites for schoolhouses.

Every county board should have a county map, showing the boundaries of townships and school districts, the location of schoolhouses, streams, public roads, etc. Such a map is a necessity for intelligent action in creating and consolidating districts and locating houses. They can in most cases be secured at comparatively small cost, especially where the county maps already exist. The county board of education and the commissioners should share cost of making map where none exists.

Written contracts are required of builders, and where possible specifications should be required. All houses should be carefully inspected, approved and received, as required herein, before paid for.

4125. Power of, to execute school law. In addition to all other duties and powers imposed and conferred upon it by law, the county board of education shall have general control and supervision of all matters pertaining to the public schools in their respective counties and are given the powers to execute, and is charged with the due execution of, the school laws in their respective counties; and all powers and duties conferred and imposed by this chapter and other laws of the state respecting public schools, which are not expressly conferred and imposed upon some other official, are conferred and imposed upon the county boards of education; and an appeal shall lie from all other county school officers to such board.

1901, c. 4, s. 14.

4126. Removal of county superintendent, members of county board, and school committeemen. In case the state superintendent shall have sufficient evidence at any time that any county superintendent of public instruction or any member of the county board of education is not capable of discharging, or is not discharging, the duties of his office as required by this chapter, or is guilty of immoral or disreputable conduct, he shall report the matter to the county board of education, which shall hear evidence in the case, and if, after careful investigation, it shall find sufficient cause for his removal, it shall declare the office vacant at once and proceed to elect his successor. Either party may appeal from the decision of the county board of education to the state board of education,

which shall have full power to investigate and review the decision of the county board of education. This section shall not deprive any county superintendent of the right to try his title to his office in the courts of the state. In case the county superintendent shall have sufficient evidence at any time that any member of any school committee is not capable of discharging, or is not discharging, the duties of his office, he shall bring the matter to the attention of the county board of education, which shall thoroughly investigate the charges and shall remove such committeeman and appoint a successor if sufficient evidence shall be produced to warrant his removal and the best interest of the schools demand it.

1901, c. 4, ss. 10, 42.

4127. May hold investigations; issue subpoenas; service of same; appeal to superior court. The county board of education shall have power to investigate and pass upon the moral character of any teacher in the public schools of the county, and to dismiss such teacher, if found of bad moral character; also to investigate and pass upon the moral character of any applicant for a teacher's certificate or for employment as teacher in any public school in the county. Such investigation shall be made after written notice, of not less than ten days, to the person whose character is to be investigated. The board shall have power to issue subpoenas for the attendance of witnesses. Subpoenas may be issued in any and all matters which may lawfully come within the powers of the board, and which, in the discretion of the board, require investigation. And it shall be the duty of the sheriffs, coroners and constables to serve such subpoenas upon payment of their lawful fees. Appeals provided for in this chapter shall be regulated by rules to be adopted by the board. The superior courts of the state may review any action of the county board of education affecting any one's character or right to teach.

1901, c. 4, s. 15.

4128. Power to punish for contempt. The county board of education of each county shall have power to punish for contempt, for any disorderly conduct or disturbance tending to interrupt it in the transaction of official business.

1901, c. 4, s. 28.

4129. School districts, how formed. The county board of education shall divide the townships into convenient school districts, as compact in form as practicable. It shall consult the convenience and necessities of each race in setting the boundaries of the school district for each race, and shall establish no new school in any township within less than three miles by the nearest traveled route of some school already established in said township; nor shall it create any school district with less than sixty-five children of school age. Nothing in this chapter shall prevent the board, whenever it shall deem it necessary for the good of the public schools, from forming a school district out of portions of two or more contiguous townships. School districts may be formed out of portions of contiguous counties by agreement and consent of the county boards of education of the two counties; and, in case of the formation of such districts, the per capita part of the public school money due the children residing in one county shall be apportioned by the county board of education of that county and paid to the treasurer of the other county in which the schoolhouse is located, to be placed to the credit of the school district so formed.

1901, c. 4, s. 29; 1903, c. 435, s. 12.

NOTE.—The power to divide the townships into school districts is vested absolutely in the county board of education. In many counties the best interests of the schools demand an intelligent redistricting of many townships. I would urge county boards to inform themselves accurately about the school districts and the location of the schoolhouses in their respective counties, and if necessary have an accurate map of the county made, showing the roads, the streams, the centers of population, the location of the schoolhouses, etc. Then, with this information before them, set to work tactfully, with the township as a unit, to secure, where needed, a more convenient, sensible and just division into school districts. Especially in locating new schoolhouses the board should be careful to insist upon the enforcement of the law as to size and convenience of the district, and should never build a new schoolhouse in a district that ought not to exist or that ought to be changed.

Under this section the power to consolidate districts is also vested absolutely in the county board. The county board of education should combine and consolidate the schools, if necessary, so as to make, where possible, fewer and better schools. This end should be kept in view in fixing the boundaries. One school with two teachers is better than two schools. If you increase the number of schools you shorten the terms and decrease the efficiency of the schools.

4130. May accept donations; may sell school property. The county board of education may receive any gift, grant, donation or devise made for the use of any school within its jurisdiction. When, in the opinion of the board, any schoolhouse, schoolhouse site, or other public school property has become unnecessary for public purposes, it may sell the same at public auction after advertisement of twenty days at three public places in the county, or at private sale. The deed for the property thus sold shall be executed by the chairman and secretary of the board, and the proceeds of the sale shall be paid to the treasurer of the county school fund.

1901, c. 4, ss. 30, 36.

4131. School sites may be acquired by gift, purchase or condemnation. The county board of education may receive suitable sites for schoolhouses by donation or purchase. In case of purchase it shall issue an order on its treasurer for the purchase-money, and upon payment of the order the title to the site shall vest in the corporation in fee-simple. Whenever the board is unable to obtain a suitable site for a school by gift or purchase, it shall report to the county superintendent of public instruction, who shall, upon five days' notice to the owner of the land, apply to the clerk of the superior court of the county in which the land is situated, for the appointment of three appraisers, who shall lay off, by metes and bounds, not more than two acres, and assess the value thereof. The same means may be used to obtain more land in a district where there is a house or a site previously obtained, but not more than two acres shall be procured, including the site already obtained. They shall make a written report of their proceedings, to be signed by them, or by a majority of them, to the clerk within five days from their appointment, who shall enter the same upon the records of the court. The appraisers and officers shall serve without compensation. If the report is confirmed by the clerk, the chairman and the secretary of the board shall issue an order on the treasurer of the county school fund in favor of the owner of the land thus laid off, and upon the payment or offer of payment of this order the title to such land shall vest in fee-simple in the corporation. Any person aggrieved by the action of the appraisers may appeal to the superior court in term, upon giving bond to secure the board against such costs as may

be incurred on account of the appeal not being prosecuted with effect.

1901, c. 4, s. 31; 1903, c. 435, s. 13; 1905, c. 533, s. 8.

NOTE.—In purchasing sites for schoolhouses it is a great mistake not to secure plenty of land, while it is cheap, for play-ground, for future growth, and for gardening and study of plant growth on a limited scale. In most cases, especially in the country, several acres ought to be purchased, if possible.

4132. Deeds to be filed with clerk; secretary to keep index. All deeds to the county board of education shall be registered and delivered to the clerk of the superior court for safe-keeping, and the secretary of the county board of education shall keep an index, by townships and school districts, of all such deeds in a book for that purpose.

1901, c. 4, s. 32; 1903, c. 435, s. 14.

NOTE.—A careful index of all deeds to school property, containing titles and reference to books in the office of the register of deeds, where such deeds are recorded, should be prepared by the county superintendent. Track can be kept of school property in this way and much trouble prevented.

4133. Meetings of; duties at. The county board of education shall meet on the first Monday in January, April, July and October, and may, if necessary, continue in session two days, and it may have called meetings, of one day each, as often as once a month if the school business of the county require it. It shall at the meeting in January, April, July and October, examine the books and vouchers, and audit the accounts of treasurer of the county school fund. The boards of education of the several counties shall cause to be published annually on the first Monday of July the report of the treasurer of the school fund.

1891, c. 460; 1901, c. 4, s. 27; 1903, c. 435, s. 26; 1905, c. 533, s. 21.

4134. Superintendent and treasurer to meet with, in July, to settle all business of fiscal year. On the first Monday in July, the county board of education, county superintendent of public instruction and treasurer shall meet at the office of the board and settle all the business of the preceding fiscal year. The board shall on that day examine the reports of treasurer and county superin-

tendent, and, if found correct, shall direct them to be forwarded to the state superintendent.

1901, c. 4, s. 59; 1903, c. 435, s. 20.

Compensation of members of board. The members of the county board of education shall receive two dollars per diem and the same mileage as is allowed to the members of the board of county commissioners of their counties.

Revisal of 1905, v. I, c. 66, s. 2786.

COUNTY SUPERINTENDENT.

4135. Election, qualification and term of office; vacancy. The county board of education on the first Monday in July, one thousand nine hundred and five and biennially thereafter, shall elect a county superintendent of public instruction, who shall be, at the time of his election, a practical teacher, or who shall have had at least two years' experience in teaching school, and who also shall be a man of liberal education and shall otherwise be qualified to discharge the duties of his office as required by law, due regard being given to experience in teaching. Such superintendent must be of good moral character and shall hold his office for a term of two years from the date of his election and until his successor is elected and qualified. Any person who has filled the office of county superintendent for four years next preceding the eleventh day of March, one thousand nine hundred and one, shall be eligible to such office in Bertie and Bladen and Columbus counties, if the election of such person meets the approval of the state board of education. In case of vacancy by death, resignation, or otherwise, in the office of county superintendent such vacancy shall be filled by the county board of education.

1901, c. 4, s. 16; 1903, c. 435, s. 5.

NOTE.—The powers of the county board of education have been enlarged, their duties have been increased, and consequently their responsibility is greater. The schools will be what the county board and a superintendent of its selection make them. A wise execution of the law by a wide-awake board and an energetic superintendent will insure progress in public schools.

The board has no more important duty than this, of electing a county superintendent. I beg to urge the observance of the following in the selection of a county superintendent:

(1) Without fear, without prejudice, political or sectarian, having before your eyes only the welfare of the children and the success of the public schools,

select the most competent man to be had for the money, choosing him from your county if such a man is to be found there, and if not to be found in the county, seeking him wherever he can be found, as the law permits. (2) If your present county superintendent possesses the necessary qualifications for a successful administration of his delicate, difficult and important duties, as I trust he may, re-elect him and give him a chance to show what is in him and to make a greater success of his work, by paying him, if possible, a sufficient salary, under section 2782, to justify him in giving all his time and thought to the work of supervision, and to justify you in requiring him to do this. (3) Take advantage of the law and pay your superintendent as large a salary as your school fund will justify, but be sure that you get *more man and more time for more money*.

4136. Report of election of, to state superintendent. Immediately after the election of the county superintendent of public instruction the chairman of the county board of education shall report to the state superintendent of public instruction the name, address, experience and qualifications of the person elected; and the person elected shall report to the state superintendent as soon as he shall have qualified, the date of such qualification.

1901, c. 4, s. 16; 1903, c. 435, s. 5.

4137. Districts in cities and towns may jointly employ. By and with the consent of the county board of education the school committees of two or more contiguous districts in any city or town may, by a majority vote of the committee in each district, employ a practical teacher, who shall be known as the superintendent of the public schools of such districts, and he shall perform all the duties of the county superintendent of public instruction as to such districts, and shall make to the county superintendent all reports that may be necessary to enable him to make his reports to the state superintendent.

1889, c. 199, s. 47; 1901, c. 4, s. 74.

4138. Not to teach school; to reside in the county. Every county superintendent shall reside in the county of which he is superintendent. It shall not be lawful for any county superintendent to teach a school while the public schools of his county are in session; but the state board of education may, for good and sufficient reason, permit a county superintendent to so teach.

1901, c. 4, s. 44.

NOTE.—The county superintendent must reside in the county after his election, but is not compelled to be a resident of the county at the time of his election. County superintendents are forbidden to teach school during the session of the public school, except by permission of the state board of education. In some counties the salary is so small that teachers will be practically excluded from holding the office of county superintendent unless allowed to supplement the salary by teaching. In such counties permission will be granted to the superintendent to teach school during the session of the public school, provided satisfactory arrangements can be made for visiting the public schools and otherwise obeying the law in the performance of the duties of the office.

4139. Ex officio secretary to the board; records to be kept.

The county superintendent of public instruction shall be ex officio the secretary of the county board of education. He shall record all proceedings of the board, issue all notices and orders that may be made by the board pertaining to the public schools, schoolhouses, sites, or districts (which notices or orders it shall be the duty of the secretary to serve by mail or by personal delivery without cost), and record all school statistics, look after all forfeitures, fines and penalties, see that the same are placed to the credit of the school fund and report the same to the board. The board shall provide the county superintendent with an office at the county seat and with a suitable book in which to keep the records required by this section. The records of the board and the county superintendent shall be kept in the office provided for that purpose by the board.

1901, c. 4, s. 36.

NOTE.—The duties of superintendent as secretary of county board of education are very important. The county superintendent is urged to look closely after the forfeitures, fines and penalties, and to report to the solicitor all failures of all officers to make complete and correct reports of such. Hundreds of dollars from these sources are lost to the school fund every year. He is urged to keep his records accurately and neatly. A book for recording his minutes and keeping his accounts has been prepared and may be obtained by application to the state superintendent.

4140. To hold teachers' meetings. The county superintendent shall each year hold not less than one teachers' meeting in each township, which the teachers shall be required to attend. If necessary, one school day must be set apart for this purpose.

1901, c. 4, s. 38; 1903, c. 435, s. 17.

NOTE.—A live superintendent can make these teachers' meetings very helpful in securing co-operation among the teachers of the township and uniformity

of work for the entire county in course of study, method of keeping records and making reports, etc. These meetings can also be made means of encouraging, stimulating and directing teachers in many ways. On the same day, perhaps in the afternoon, meetings of patrons and parents might be held and the occasion used for bringing them in closer touch and sympathy with the work and with the teachers, in cultivating educational sentiment and arousing educational enthusiasm.

4141. Must advise and may suspend teachers; must attend state association of superintendents. It shall be the duty of the county superintendent to advise with the teachers as to the best methods of instruction and school government, and to that end he shall keep himself thoroughly informed as to the progress of education in other counties, cities and states. He shall have authority to correct abuses, and to this end he may, with the concurrence of a majority of the school committee, suspend any teacher who may be guilty of any immoral or disreputable conduct, or may prove himself incompetent to discharge efficiently the duties of a public school teacher, or who may be persistently neglectful of such duties. The county superintendent shall be required to visit the public schools of his county while in session and shall inform himself of the condition and needs of the various schools within his jurisdiction. Unless providentially hindered he shall attend continuously during its session the annual meeting of the state association of county superintendents, and the county board of his county shall pay out of the county school fund his traveling expenses and allow him his per diem while attending such meeting; but county superintendents employed on salary shall not receive any per diem while in attendance on such meeting.

1901, c. 4, s. 39; 1903, c. 435, s. 18; 1905, c. 533, s. 10.

NOTE.—The requirement that county superintendents shall visit the schools while in session is mandatory, and properly so. County boards of education must obey the law. The compensation allowed is now sufficient to justify the superintendent in visiting the schools. In no other way can he acquaint himself so well with the educational condition and needs of every part of the county, with the merits and defects, the disposition and character of the teachers, and acquire such a knowledge of the people and their views as will make him a helpful adviser in the selection of teachers and committeemen and a wise and effective leader in all educational matters of the county. If there be a county superintendent whose visits to his schools would not be beneficial to himself, his teachers, his schools, his people, no surer evidence of his

incompetency is needed, and his resignation should be asked at once. The most valuable part of the work of a live, competent superintendent will be his visits to the schools and the people. Without such visits the work of supervision is a misnomer and largely a farce, and the county superintendent little more than a clerk to the board of education and a mechanical examiner of teachers.

It will be observed that county superintendents are required to attend the annual sessions of the state association of county superintendents, and that provision is made for their expenses.

4142. Must distribute blanks and books, and advise committees. It shall be the duty of the county superintendent to distribute to the various school committees of his county all such blanks as may be furnished by the state superintendent of public instruction for reports of school statistics of the several districts; also, blanks for teachers' reports and for orders on the treasurer of the county school fund for teachers' salaries. He shall also distribute to the school committees school registers for their respective districts and necessary record books; he shall advise with the committee as to the best methods of gathering the school statistics contemplated by such blanks, and, by all proper means, shall seek to have such statistics fully and properly reported.

1901, c. 4, s. 40.

4143. Must make reports to state superintendent. It shall be the duty of each county superintendent, on or before the first Monday in July of each year, to report to the state superintendent of public instruction an abstract statement of the number, grade, race and sex of the teachers examined and approved by him during the year; also, the number of public schools taught in the county during the year for each race; the number of children of school age in each school district; the number enrolled in each district; the average daily attendance in each district by race and sex and the number of all persons in the county between the ages of twelve and twenty-one who can not read and write. He shall also report by race and sex the number of pupils enrolled in all the schools, their average attendance, the average length of terms of the schools, and the average salary for the teachers of each race; the number of school districts for each race, and any new school districts laid out during the year shall be specified in his report. He shall also report the number of public schoolhouses and the value of the public school property

for each race; the number of teachers' institutes held; the number of teachers attending such institutes, together with such suggestions as may occur to him promotive of the school interest of the county. He shall record in his book an accurate copy of such report. If any county superintendent fail or refuse to perform any of the duties required of him by this chapter he shall be subject to removal from his office by the county board of education upon the complaint of the state superintendent of public instruction.

1901, c. 4, s. 41.

NOTE.—This report must be held by county superintendent for review by county board of education on first Monday of July. (See section 4134). A copy must be recorded by county superintendent.

4144. To report as to deaf, dumb and blind children. It shall be the duty of the county superintendent to require of the school committees, in enumerating the number of school children, to make a statement in the report of the number of deaf, dumb and blind between the ages of six and twenty-one years, designating the race and sex, and the address of the parent or guardian of such children; and the county superintendents are hereby required to furnish such information to the principals of the deaf, dumb and blind institutions, and the superintendent of public instruction, in preparing blanks for reports required to be made to him, shall include questions, the answers to which will furnish the information required by this section.

1901, c. 4, s. 43; 1901, c. 4, s. 44; 1903, c. 435, s. 19.

Salary of county superintendent. The salary of the county superintendent of schools shall be fixed by the county board of education. It shall not be less than three dollars per day while engaged in the service of the public schools. The county board of education may fix an annual salary not to exceed four per cent. of the disbursements for schools under his supervision. The county board of education of any county whose total school fund exceeds fifteen thousand dollars may employ a county superintendent for all of his time at such salary as may be fixed by said board: Provided, the county superintendent of Iredell county shall not receive over six hundred dollars per annum.

Revisal of 1905, v. I, c. 66, s. 2782.

NOTE.—This section now allows all counties whose school fund exceeds fifteen thousand dollars to pay such reasonable compensation as will make it possible to employ competent superintendents for all their time. The experience of other states and of those cities and towns and counties of our own state that have most efficient systems of schools proves the wisdom of a reasonable expenditure for competent supervision. The county board of education of every county in which the school fund is sufficient to permit it is urged to employ for all his time the best possible superintendent. If the present superintendent is competent his hands should be untied by making his compensation sufficient to enable him to give all his time and thought to his work. If he is incompetent a competent man in the county, if possible, out of the county and out of the state if necessary, should be found and employed for this work. The law does not require that the superintendent shall reside in the county at the time of his election. No work can succeed without a man at the head who knows the work, loves it, and devotes himself entirely to it. Such a man can be had for a living salary.

SCHOOL COMMITTEE.

4145. Qualifications and election of; care taken of school-houses. The county board of education of each county shall on the first Monday in July, one thousand nine hundred and five, and biennially thereafter, appoint in each of the townships of the county three intelligent men of good business qualifications, who are known to be in favor of public education, who shall serve for two years from the date of their appointment as school committeemen in their respective townships and until their successors are elected and qualified. If a vacancy shall occur at any time by death, resignation, or otherwise, it shall be the duty of the county board of education to fill such vacancy. Such board shall have the power to pay out of the reserve school fund to each member of the township committee thus appointed one dollar per day for not more than four days per annum. "Such township committee must take the census in their township by districts and may elect to be paid for taking the same at the rate of two cents per name, or be paid each one dollar per day for the four days, but they can not be paid for both." Every township committee shall appoint one man in each school district in the township to look after the schoolhouse and property and advise with the committee. The county board of education in each county may, if it deem best, biennially, on the first Monday in July, instead of electing township committeemen, elect for each school of the several townships three school committeemen of intelligence and good busi-

ness qualifications, who are known to be in favor of public education, who shall serve for two years from date of their appointment as committeemen and until their successors are elected and qualified. If a vacancy should occur at any time by death, resignation, or otherwise, it shall be the duty of the county board of education to fill such vacancy. And in case such school committeemen shall be elected as above, all the powers and duties conferred under this chapter on the township committeemen shall vest in such committeemen of the several schools of the township, who shall serve without compensation.

1901, c. 4, s. 17; 1903, c. 435, s. 6; 1905, c. 533, ss. 17, 18.

NOTE.—It is left with the county board of education to appoint a township committee of three, who will act for the township, or a district committee of three for each school in the several townships of the county. The system, however, should be uniform, *i. e.*, township committees for the entire county, or district committees for the entire county. It will be observed that this section now requires township committees to appoint one man in each district as custodian of the property and general adviser about school affairs in his district. This seems to me to add to the township system enough of local self-government, which was the popular feature of the district system, without cumbering it with the undesirable features of the district system. From the testimony of those counties that have adopted the township system in this state, and from the prevalence and popularity of it in so many other states, I am satisfied that it will be found the more satisfactory system, and I hope to see it generally adopted in North Carolina.

4146. To elect chairman and secretary; appeals from. The school committee, as soon as practicable after their election and qualification, not to exceed twenty days, shall meet and elect from their number a chairman and secretary, and shall keep a record of their proceedings in a book to be kept for that purpose. The name and address of the chairman and secretary shall be reported to the county superintendent of public instruction and recorded by him.

1901, c. 4, s. 18.

NOTE.—This section requires the official acts of the committee to be done in a business-like manner and the records kept in a book for that purpose. To avoid trouble this section should be strictly obeyed. A committeeman's book for recording minutes and accounts, containing also a summary of the duties of school committeemen, blank teachers' contracts, etc., has been prepared in this office, and copies of it have been sent to county superintendents. The county superintendent should see that every committee is supplied with this book.

4147. Powers and duties as to school property. The school committee shall be intrusted with the care and custody of all schoolhouses, schoolhouse sites, grounds, books, apparatus, or other public school property in the township, with full power to control the same as they may deem best for the interest of the public schools and the cause of education.

1901, c. 4, s. 19.

4148. Census to be taken; reports; deaf, dumb, blind and illiterates to be reported. The school committee is required to furnish to the county superintendent a census report of all the pupils of school age in their township or district by name, age, sex and race, also the names of their parents or guardians. The blanks upon which such reports are to be made shall be furnished to the various school committees by the county superintendent on the first Monday in August in each year, which report shall be duly sworn to by each one of the committee and returned to the county superintendent on or before the first Monday in September of each year, and any committee failing to comply with the provisions of this section without just cause shall be subject to removal. The school committee shall be allowed a sum not exceeding two cents per name for all names reported between the ages of six and twenty-one. The committee shall also report to the county superintendent, who shall in turn report to the county board of education, the number of public schoolhouses and the value of all public school property for each race separately and furnish to the teacher at the opening of the school a complete copy of the census furnished to the county superintendent, which shall be recorded by the teacher in a register containing the name and age of each pupil of school age in that district. They shall also report by race and sex the number of all persons between the ages of twelve and twenty-one who can not read and write; and the number of deaf, dumb and blind between the ages of six and twenty-one years, designating the race and sex, and the address of the parents or guardians of such children.

1901, c. 4, ss. 20, 43; 1901, c. 3, s. 1; 1903, c. 435, s. 7.

NOTE.—This census should be promptly and carefully taken, in strict accordance with the requirements of this section. Committees are required to make two copies of the census of each district—one for the county superintendent

and one for the teacher of the district school. Superintendents will furnish to committees a sufficient number of blanks for this purpose, and see that the teacher of each school is furnished with a complete copy of the census and is required to copy the same in the school register. This information is necessary in order that the teacher may know the children not in attendance and find out the cause of their absence and seek to bring them into school. Teachers and committeemen are urged to compare the census with the enrollment and to make every effort to secure the attendance of the absentees. Separate blanks will be sent with census blanks for an accurate report of illiterates, by name, so that county superintendent, teachers and committeemen will have information that will enable them to make special efforts to reach these illiterates and get them into school.

4149. To keep a record of receipts and expenditures; purchase supplies. The school committee for each township or district shall keep a book in which shall be recorded an itemized statement of all moneys apportioned to, received and expended by them for each school and a copy of all contracts made by them with teachers. The committee shall have authority to purchase the supplies necessary for conducting the schools and for repairs to an amount not to exceed in the aggregate the sum of twenty-five dollars in any one year for each school. But nothing in this section shall be so construed as to give school committees the right to make expenditures without the order of the county board.

1901, c. 4, ss. 21, 35; 1905, c. 533, s. 19.

NOTE.—A carefully prepared book for keeping this account, copies of contracts with teachers and minutes of meeting, will be furnished by the county superintendent upon application. All expenditures for supplies, repairs, etc., are subject to the order and approval of the county board of education. The county board will of course approve all reasonable, necessary expenditures for such purposes.

4150. Must not overdraw. No committee shall give an order unless the money to pay it is actually to the credit of the district,, and no part of the school fund for one year shall be used to pay school claims for any previous year.

1901, c. 4, s. 34; 1903, c. 435, s. 16.

NOTE.—The large number of special acts for payment of teachers' salaries before the last legislature was the result of a disregard of this section, and necessitated the amendment that no such act shall hereafter be passed by that body except upon approval of county board and superintendent, and certificate by them that the debt was contracted by unavoidable mistake. If teachers and school officers will be careful, mistakes of this sort can always be avoided.

4151. Private schools, committee may contract with; effect.

In any school district where there may be a private school regularly conducted for at least six months in the year, unless such private school is a sectarian or denominational school, the school committee may contract with the teacher of such private school to give instruction to all pupils between the ages of six and twenty-one years in the branches of learning taught in the public schools, as prescribed in this chapter, without charge and free of tuition; and such school committee may pay such teacher for such service out of the public school fund apportioned to the district, and the agreement as to such pay shall be arranged between the committee and teacher. Every teacher of the public school branches in such school shall obtain a first-grade certificate before beginning his or her work, and shall from time to time make such reports as are required of other teachers under this chapter. The county superintendents of public instruction shall have the same authority in respect to the employment and dismissal of teachers under this section, and in every other respect, as is conferred in other sections of this chapter. And all contracts made under this section shall designate the minimum length of the public school term, which shall not be less than the average length of the public school term of the county of the preceding year. The amount paid such private school for each pupil in the public school branches, based on the average daily attendance, shall not exceed the regular tuition rates in such school for such branches of study. Every school to which aid shall be given under this chapter shall be a public school to which all children living within the district between the ages of six and twenty-one years shall be admitted free of charge for tuition: Provided, that in case of contract with the teacher of a private school under this section, tuition may be charged for instruction in higher branches of study not mentioned in section four thousand and eighty-seven if the apportionment of funds for the public school of the district would, in the opinion of the county board of education, be insufficient to provide instruction in these higher branches of study if the public school were taught separately. The committee may admit pay students over twenty-one years of age.

1901, c. 4, ss. 33, 65; 1903, c. 435, s. 15; 1905, c. 533, s. 12.

NOTE.—No contract can be made with a teacher of any sectarian or denominational school for the use of any part of the public school fund in connection with such school. In case of a contract with a teacher of a private school to teach the public school in connection therewith, no tuition can be charged any child in the district between the ages of six and twenty-one years for any study mentioned in section 4087. Tuition may be charged for instruction in higher branches than those there mentioned, if the funds apportioned to that public school district would in the opinion of the county board of education be insufficient to provide instruction in these higher branches of study in case the public school should be taught separately. In other words, the private school is required to give instruction in as many and no more branches of study, free of tuition, as could be given with the available funds in a public school if conducted separately.

If the tuition in the private school for the public school branches is one dollar or two dollars per month, then said private school shall not be allowed any more per capita of the public fund than they receive per capita from the parents in the private funds. To illustrate: If there are forty children in the public school branches whose private tuition is forty dollars per month, then the committee can pay only forty dollars per month for this instruction out of the public fund. Under the contract the school term must at least be equal in length to the average school term of the county for the preceding year.

TREASURER OF SCHOOL FUND.

4152. County treasurer made treasurer of school fund; bond.

The county treasurer of each county shall receive and disburse all public school funds, and shall keep the same separate and distinct from all other funds, but before entering upon the duties of his office he shall execute a justified bond, with security, in an amount to be fixed by the board of county commissioners, not less than the moneys received by him or by his predecessor during the previous year, conditioned for the faithful performance of his duties as treasurer of the county school fund, and for the payment over to his successor in office of any balance of school moneys that may be in his hands unexpended. The bond of the treasurer of the county school fund shall be a separate bond, not including liabilities for other funds, and shall be approved by the board of county commissioners, and that board may, from time to time, if necessary, require him to strengthen his bond.

1901, c. 4, ss. 46, 47.

4153. Bond, actions on. The board of county commissioners shall bring action, in the name of the state upon the relation of such board, for any breach of the bond of the treasurer of the county

school fund, and on its failure to bring such action it may be brought in the name of the state on the relation of any taxpayer.

1901, c. 4, s. 47..

4154. To keep detailed account of receipts; to accept money only. The treasurer of the county school fund shall keep a book in which shall be entered a full and detailed account of all public school moneys received by him, the name of each person paying him school money, the source from which the same may have been derived, and the date of such payment. In his settlement with the sheriff or other collecting officer of public school funds the treasurer shall receive money only.

1901, c. 4, s. 52.

4155. To pay only such orders as allowed herein. Every order for the payment of a teacher's salary, for building, repairs, school furnishing, or for the payment of money for any purpose whatsoever, before it shall be a valid voucher for the county treasurer, shall be signed first by at least two members of the school committee, then by the county superintendent. No order shall be signed by the county superintendent for more money than is to the credit of that district for the fiscal year, nor shall he endorse the order of any teacher who does not produce a certificate as required by law. The treasurer shall not pay any school money for building or repairing any schoolhouse unless the site on which it is located has been donated to or purchased by the county board of education and the deed for the same regularly executed and delivered to such board and probated and registered in the office of the register of deeds for the county and delivered to the clerk of the superior court, to be by him safely deposited with his valuable official papers, and surrendered to his successor in office.

1901, c. 4, s. 48.

4156. To be at his office on last Saturday in month. The treasurer of the county school fund shall, on the last Saturday of each month, attend at his office for the purpose of paying school orders; but this shall not prevent the payment of orders at other times.

1901, c. 4, s. 58.

4157. To keep an account with each township and district; annual report of balances. It shall be the duty of the treasurer of

the county school fund to keep a book in which he shall open an account with each township in the county, showing the amount apportioned to such township by the county board of education. He shall also open an account with each school district showing the amount apportioned to such district. He shall record all payments of school money, giving the date, the amount, the person to whom paid, and for what purpose paid. He shall balance the account of each township and district annually, on the thirtieth of June, and shall report by letter or printed circular, within ten days thereafter, such balances to the county board of education and to the school committee.

1901, c. 4, s. 49.

4158. To report annually to state superintendent and to county board. The treasurer of the county school fund shall report to the state superintendent of public instruction on the first Monday of August of each year the entire amount of money received and disbursed by him during the preceding school year, designating by items the amounts received respectively from property tax, poll tax, liquor licenses, fines, forfeitures and penalties, auctioneers, estrays, from state treasurer and from other sources. He shall also designate by item the sum paid to teachers of each race respectively, for schoolhouses, school sites in the several districts, and for all other purposes specifically, and in detail, by item, and on the same date he shall file a duplicate of such report in the office of the county board of education. He shall make such other reports as the county board of education of the county may require from time to time. Whenever the sheriff or other collecting officer pays over money to the treasurer of the school fund he shall designate the items as indicated in this section, and these items shall be stated in the receipts given by the treasurer.

1901, c. 4, ss. 51, 56.

4159. Duties on expiration of his term. Each treasurer of the county school fund in going out of office, shall deposit in the office of the board of education of his county his books in which are kept his school accounts, and all records and blanks pertaining to his office. If the term of office of any treasurer shall expire on the thirtieth day of November during any fiscal school year, or if for

any reason he shall hold office beyond the thirtieth day of November, and not for the whole of the current fiscal school year, he shall, at the time he goes out of office, file with the county board of education and with his successor a report, itemized, as required by the next preceding section, covering the receipts and disbursements for that part of the fiscal school year from the thirtieth of June preceding to the time at which he turns over the office to his successor, and his successor shall include in his report to the state superintendent the receipts and disbursements for the current fiscal year.

1901, c. 4, ss. 57, 58.

4160. To exhibit books, vouchers and money to county board.

The treasurer of the county school fund shall, when required by the county board of education, produce his books and vouchers for examination, and shall also exhibit all moneys due the public school fund of the county at each settlement required by this chapter.

1901, c. 4, s. 50.

Treasurer failing to report. If any treasurer of the county school fund shall fail to make reports required of him at the time and in the manner prescribed, or to perform any other duties required of him by law, he shall be guilty of a misdemeanor, and be fined not less than fifty dollars and not more than two hundred dollars, or imprisoned not less than thirty days nor more than six months, in the discretion of the court.

Revisal of 1905, v. I, c. 81, s. 3839.

TEACHERS.

4161. School committee to employ and dismiss teachers; notice; contracts. The school committee shall have authority to employ and dismiss teachers. The committee shall meet at convenient times and places for the employment of teachers for the public schools, and no teacher shall be employed by any committee except at a regularly called meeting of such committee, due notice of such meeting having been given at three public places by the committee. The county superintendent shall be notified at once by the secretary of the committee of the name of the teacher elected, and a copy of the contract, duly signed and recorded, shall be filed with the county superintendent; and no voucher for the salary of a teacher of any school shall be signed by any county superintendent unless a copy of such

teacher's contract has been filed with him as herein provided, and unless he shall have received satisfactory evidence that such teacher has been elected in strict accordance with this section. No contract for teachers' salaries shall be made during any year to extend beyond the term of office of the committee, nor for more money than accrues to the credit of the district for the fiscal year during which the contract is made.

1901, c. 4, ss. 20, 22, 34; 1901, c. 3, s. 1; 1903, c. 435, ss. 7, 16.

4162. Examination; proficiency; grades. On the second Thursday of July and October of every year the county superintendent of schools of each county shall publicly examine all applicants of good moral character for teachers' certificates on all subjects required to be taught in the public schools and also on the theory and practice of teaching. And the county superintendent may continue the examination from day to day if necessary until all applicants have been examined, and with the approval of the county board of education he may, after giving at least ten days' notice, hold public examinations on two other dates during the year. All examinations of teachers shall be held at the county court-house, but for the convenience of teachers the county superintendent may designate another place: Provided, due notice of the time and the place shall have been given. No private examination of applicants for teachers' certificates shall be given by the county superintendent unless a reasonable excuse shall be rendered for failure to attend the public examination, and for every private examination each applicant for a certificate shall pay in advance to the county superintendent a fee of three dollars, to be paid by him to the treasurer of the county school fund, to be placed to the credit of the general school fund of the county. A general average of ninety per cent. and over shall entitle the applicant to a first-grade certificate; a general average of eighty per cent. and less than ninety per cent. shall entitle the applicant to a second-grade certificate, and a general average of seventy per cent. and less than eighty per cent. shall entitle the applicant to a third-grade certificate. No certificate shall be valid except in the county in which it is issued. First-grade certificates shall be valid for two years from date of issue; other grades of certificates shall be valid for only one year and shall not be renewed except upon examination. The

county superintendent may invite competent persons to assist in the examination of applicants for certificates and he shall file in his office a copy of all examination questions and also preserve for at least one year the examination papers and grades of all applicants for certificates, and upon request of the state superintendent of public instruction he shall send all examination papers and their gradation and a copy of all examination questions to the office of the state superintendent of public instruction: Provided, that the state superintendent of public instruction in lieu of the provisions of this section in reference to the examination, the gradation and the certification of teachers may in his discretion provide for a uniform system of gradation, examination and certification of public school-teachers, prescribing the examination, the time and manner of conducting the same, and also for making provision for the classification of teachers' certificates into primary, intermediate and high school.

1905, c. 533, s. 9; 1901, c. 4, s. 37.

NOTE.—Four public examinations are provided for in this section if so many shall be deemed necessary by the county board of education. Public examinations are less trouble and less liable to criticism than private examinations. With four a year there ought to be little, if any, necessity for private examinations. No private examination can be given unless the applicant can give a reasonable excuse, satisfactory to the superintendent, for failure to attend the public examination. The fee is fixed at three dollars, to cover the per diem of the county superintendent, who is frequently required to give an entire day to the private examination of one applicant.

4163. Age, qualifications, certificates, grades and pay of; school month defined. No person shall be employed as a teacher who does not produce a certificate from the county superintendent, dated within the time prescribed by law and continuing to the end of the term. No certificate to teach shall be issued to any person under eighteen years of age. Teachers of second grade shall receive not more than twenty-five dollars per month out of the public fund, and teachers of the first grade may receive such compensation as shall be agreed upon. Teachers of the third grade shall receive not more than twenty dollars per month, but no third-grade certificate shall be renewed and no holder of a third-grade certificate shall be employed except as an assistant teacher. No teacher shall receive any compensation for a shorter term than one month unless providentially hindered from completing the term. Twenty school

days of not less than six hours nor more than seven hours each day shall be a month. The school term shall be continuous as far as practicable. All laws and clauses of laws granting to, or conferring upon, the graduates or ex-students or students of any institution of learning, private or public, within this state or elsewhere, immunity, exemption, or freedom from the operation of laws of this state requiring persons who desire to teach in free public schools of the state to submit to and pass regular examinations before the county superintendents before being duly qualified to serve as such teachers, are hereby repealed. The county board of education shall fix, within the limits above prescribed, the maximum salary to be paid to teachers in each school in the county.

1901, c. 4, ss. 22, 24, 27, 34; 1901, c. 3, s. 2; 1901, c. 535; 1903, c. 435, ss. 9, 16.

NOTE.—Much trouble will be avoided if committeemen will observe strictly the law forbidding the employment of any person as a teacher who does not hold and produce a certificate not out of date. The county board has authority to fix the maximum salary of the teacher in each school in the county, and a contract with the teacher by a committee for a larger salary than that fixed by the board will be invalid and cause trouble.

4164. Salary, how paid; closing schools for non-attendance of pupils. At the end of every term of a public school, the teacher or principal of the school shall exhibit to the school committee a statement of the number of pupils, male and female, the average daily attendance, the length of term and the time taught. If the committee is satisfied that the provisions of this chapter have been complied with, they shall give an order on the treasurer of the county school fund, payable to such teacher, for the full amount due for services rendered; but monthly, and, if required by the county superintendent, weekly statements and reports shall be made by the teacher to the committee, and to the county superintendent; orders on the treasurer shall be valid when signed by two members of the committee and countersigned by the county superintendent. When a monthly or weekly report of any school where the district does not contain over one hundred and fifty children shows an average daily attendance of less than one-fifth of the school census, the committee may, with the approval of the county superintendent of schools, order the school to be closed and the money due such school shall remain to the credit of that school; but all funds remaining to the credit of

such school at the close of the school year, unused because of non-attendance, shall be returned to the general fund for reapportionment, unless such non-attendance shall have been caused by providential or other unavoidable causes. And the county board of education, upon the recommendation of the county superintendent, shall have authority to close any school for either race in any township before it shall have continued for the average length of school term for the township, in case the attendance does not justify the continuance of the school, and the money remaining to the credit of such district thus closed for non-attendance shall be returned to the general school fund.

1901, c. 4, ss. 23, 24; 1903, c. 435, ss. 8, 9; 1905, c. 533, s. 4.

NOTE.—By referring to section 4116 it will be seen that the district will be given until the January meeting subsequent to the close of the school year to use its funds, at which time all unused funds will be returned to the general fund and re-apportioned, unless the board finds that the use of the funds before that time was prevented by providential or other unavoidable cause.

The purpose of requiring funds unused because of non-attendance to be returned to the general fund for re-apportionment, unless such non-attendance is the result of providential or other unavoidable cause, of which the county board is the judge, is to stimulate attendance by taking the money from those who refuse for insufficient reasons to use it and giving it to those who will use it.

In order to keep up with the work in the various districts and keep in touch with every teacher, monthly reports at least should be required promptly of every teacher. Some county superintendents have been very successful in requiring brief weekly reports, and enthusiastically recommend them. In the appendix will be found a blank form of weekly reports, which may be made on a printed postal card.

4165. Keep record; report to county superintendent, also to state superintendent, when. Every teacher or principal of a school to which aid shall be given under this chapter shall keep such records of the attendance and classification of pupils as shall be prescribed by the state superintendent of public instruction or the county board of education, and at the end of each term and when requested at other times every teacher or principal shall report to the county superintendent of schools in such form and manner and on such blanks as shall be furnished by the county superintendent of schools or the state superintendent of public instruction. At the end of every term every principal or teacher of a public school shall report to the county superintendent of schools the length of term of the school, the race

for which it was taught, the number, the sex and average daily attendance of the pupils, and the number of the district in which the school is taught, the number of children on census blank not attending any school, number of children under seventeen years of age not attending any school, stating some causes why they did not attend, how many families having children of school age did not send any of their children to school, how many families did, stating what personal effort has been made to get the children to attend school. The county superintendent shall not approve the final voucher for the salary of any principal or teacher until all reports have been made according to law and until the register has been properly filled out and filed with the chairman of the school committee or with the county superintendent of schools. The principal or superintendent of every school or institution of learning supported in whole or in part by public funds shall report to the state superintendent at such time and in such form as he may direct, and shall also report to the county superintendent of the county in which such school or institution of learning is situated.

1901, c. 4, ss. 64, 66; 1903, c. 435, s. 21; 1903, c. 533, s. 11.

NOTE.—The personal effort made by the teacher to secure accurate information required will greatly facilitate his work in the school and add to our fund of reliable statistics. The county superintendents should not approve the voucher of any teacher who does not intelligently furnish this information. School committeemen should not approve teachers' orders for salary until the provisions of this section have been strictly complied with.

Under this section all superintendents of town or city schools, and of all other schools of every sort receiving any part of the public school fund, are required to make such reports to the state and county superintendent as the state superintendent may direct. The purpose, of course, is to get full information about all the public schools, that the state may receive full credit at home and abroad for all that it is doing for public education.

4166. To maintain order and encourage virtue; to dismiss improper pupils. It shall be the duty of all teachers of free public schools to maintain good order and discipline in their respective schools; to encourage morality, industry and neatness in all of their pupils, and to teach thoroughly all branches which they are required to teach. Pupils who wilfully and persistently violate the rules of the school and any of immoral life and character shall be dismissed by the teacher.

1901, c. 4, s. 63.

4167. Teachers' institutes and schools, how conducted; teachers must attend. The county board of education of every county may biennially appropriate an amount not less than two hundred dollars nor more than two hundred and fifty dollars out of the public school funds of the county, the definite amount between the minimum and maximum thus fixed to be determined by the state superintendent of public instruction, for the purpose of conducting biennially a teachers' institute and school for the training of the public school teachers of the county at some convenient and satisfactory place. The biennial county teachers' institute and school provided for in this section shall be conducted by some practical teacher or teachers appointed by the state superintendent of public instruction at such time and place as shall be determined by the state superintendent of public instruction after consultation with the county superintendent of schools and the county board of education. All public school teachers of any county in which such institute and school is conducted are hereby required to attend the same continuously during its session unless providentially hindered, and failure to attend the biennial institute and school shall debar any teacher so failing to attend continuously from teaching in any of the public schools of the state for a period of one year, or until such teacher shall have attended according to law some county institute and school as herein provided for in some other county. The rules and regulations governing all teachers' institutes, the course of study to be pursued and the proper credits for attendance on the same shall be prescribed by the state superintendent of public instruction. And proper and just provision shall be made for the training of the teachers of each race in separate institutes and schools: Provided, that counties whose total annual public school fund is less than eight thousand dollars may arrange with an adjoining county for holding a biennial teachers' institute and school as herein provided for, making such biennial appropriation and arrangement with an adjoining county as shall be equitable and satisfactory, which appropriation and arrangement and the terms of the same shall first be approved by the state superintendent of public instruction: And provided further, that a properly signed certificate of continuous attendance at some summer school of good standing for a period of not less than three weeks may be accepted by the county superintendent of schools as a substitute for

attendance on the biennial teachers' institute and school herein provided for under such rules and regulations as shall be prescribed by the state superintendent of public instruction.

1905, c. 533, s. 5; 1903, c. 435, s. 10; 1901, c. 4, s. 26.

CROATAN INDIANS.

4168. Separate schools for. The persons residing in Robeson and Richmond counties, supposed to be descendants of a friendly tribe once residing in the eastern portion of this state known as the Croatan Indians, and their descendants, shall be known and designated as the Croatan Indians, and they and their descendants shall have separate schools for their children, school committees of their own race and color, and shall be allowed to select teachers of their own choice, subject to the same rules and regulations as are applicable to all teachers in the general school law, and there shall be excluded from such separate schools for the Croatan Indians all children of the negro race to the fourth generation.

1885, c. 51, s. 2; 1889, c. 60, s. 1.

4169. County board to carry provisions into effect. It shall be the duty of the county board of education to see that the next preceding section is carried into effect, and shall for that purpose have the census taken of all the children of such indians and their descendants between the ages of six and twenty-one, and proceed to establish such suitable school districts as shall be necessary for their convenience, and take all such other and further steps as may be necessary for the purpose of carrying such section into effect. And where any children, descendants of such indians, shall reside in any district in such counties of Robeson and Richmond in which there are no separate schools provided for their race they shall have the right to attend any of the public schools in the county provided for their race, and their share of the public school fund shall be appropriated to their education upon the certificate of the school committee in the district in which they reside, stating that they are entitled to attend such public schools.

1885, c. 51, ss. 3, 4.

4170. Pro rata share of school funds kept separate. The treasurer of the county school fund and other proper authorities whose duties it is to collect, keep and apportion the school fund,

shall procure from the county board of education the number of children in the county between the ages of six and twenty-one, belonging to such indian race, and shall set apart and keep separate their pro rata share of the school funds, which shall be paid out upon the same rules in every respect as are provided in the general school law and in the next preceding section.

1885, c. 51, s. 4.

4171. General school law applicable to. The general public school law shall be applicable in all respects to such separate schools for the Croatan Indians, except where such general laws is repugnant to these special provisions relating to such schools; and these special provisions for separate schools for Croatan Indians shall apply only to the counties of Robeson and Richmond.

1885, c. 51, s. 5.

SCHOOL LIBRARIES.

4172. How established; duties of school officials; manager appointed. Whenever the patrons and friends of any free public school in which a library has not already been established by aid of the state shall raise by private subscription and tender to the treasurer of the county school fund, for the establishment of a library to be connected with such school, the sum of ten dollars, the county board of education shall appropriate, from the general county school fund the sum of ten dollars for this purpose and shall appoint one intelligent person in the school district the manager of such library. The county board shall also appoint one competent person well versed in books to select books for such libraries as may be established under these provisions from lists of books approved by the state superintendent of public instruction.

1901, c. 662, s. 6; 1903, c. 226, s. 1; 1905, c. 381.

NOTE.—It will be observed that the appropriation to the rural library must be made out of the general county school fund, and not out of the district fund. A pamphlet containing approved list of books, rules and regulations for the management of rural libraries, and cuts and specifications for book-cases, may be obtained upon application to the office of the superintendent of public instruction.

4173. State board of education to contribute. As soon as such board shall have made an appropriation for a library in the manner prescribed, the county superintendent shall inform the secre-

tary of the state board of education of the fact, whereupon the state board shall remit to the treasurer of the county school fund the sum of ten dollars additional for the purchase of books.

1901, c. 662, s. 7; 1903, c. 226, s. 2; 1905, c. 381, s. 2.

NOTE.—Upon certificate from the county superintendent that ten dollars has been raised and tendered to the treasurer of the county school fund by patrons and friends, and that ten dollars has been appropriated from the general school fund, the state warrant for the remaining ten dollars for the rural library will be sent to the treasurer.

4174. Books and book-cases, how purchased. Within thirty days after the payment of the money to the treasurer of the county school fund, the person appointed to select the books shall submit the list of books to be purchased and prices of same to such treasurer, who shall order the books at once. The treasurer shall receive no compensation except his regular commission. The county board shall furnish, at the expense of the general county school fund, a neat book-case, with lock and key, to each library upon application of the county superintendent.

1901, c. 662, s. 8; 1903, c. 226, s. 3; 1905, c. 381, s. 3.

NOTE.—Every county superintendent should apply for a neat book-case with lock and key for every rural library in his county. The county board is required to furnish such a book-case out of the general county school fund, and not out of the funds of the district.

4175. Rules to be made by state superintendent. The local manager of every library shall carry out such rules and regulations for the proper use and preservation of the books as may be established by the state superintendent of public instruction, and shall on or before June thirtieth of each year make to the state superintendent of public instruction such reports as he shall require.

1901, c. 662, s. 9; 1903, c. 226, s. 4; 1905, c. 381, s. 4.

NOTE.—Copies of such rules will be furnished by the state superintendent upon application.

4176. Exchange of libraries. The local managers of two or more libraries may by agreement exchange libraries; but no exchange shall be made oftener than once in six months and no part of the expense of exchanging libraries shall be paid out of the public funds.

1901, c. 662, s. 10; 1903, c. 226, s. 5; 1905, c. 381, s. 5.

4177. Enlargement of libraries, appropriations for. Whenever the patrons and friends of any free public school in which a library has been established under the provisions of this subchapter, or in which a library has been established for one year under the preceding sections of this act, shall raise by private subscription and tender to the treasurer of the county school fund the sum of five dollars for the enlargement of the library, the county board of education shall appropriate from the money belonging to that school district the sum of five dollars and the state board of education shall remit to the treasurer of the county school fund the sum of five dollars. The money thus collected and appropriated shall be used for the enlargement of libraries already established under the same rules and restrictions as govern the establishment of new libraries.

1903, c. 226, s. 6; 1905, c. 381, s. 6.

NOTE.—The money for the enlargement of rural libraries must be appropriated out of the district fund, and not out of the general county school fund.

4178. Number of libraries limited; cities and towns excluded, when. Not more than six new libraries, in addition to those already established biennially in any county under the provisions of the preceding sections, and not more than six libraries already established in any county shall be entitled biennially to the benefits of section six of this act: Provided, that after November thirtieth, one thousand nine hundred and six, and after November thirtieth of every second year thereafter, if any of the aforesaid biennial appropriation for the years ending on such date shall still be in the hands of the state treasurer, any free public school which shall fulfill the conditions set forth in the preceding sections shall be entitled to receive the benefits of this act, regardless of the number of libraries already established in the county in which said school is located, until the aforesaid balance of each biennial appropriation available for the purpose is exhausted. No school district in any incorporated town with a population exceeding one thousand persons shall receive any moneys under the provisions of this act.

1901, c. 662, s. 12; 1903, c. 226, s. 8; 1905, c. 381, ss. 8, 9.

NOTE.—The number of new libraries available biennially to any county is limited to six, but if any county fails to secure the six to which it is entitled

on or before November 30th of the year closing the biennial period, other counties may apply for and receive these libraries.

4179. Additional appropriation of state funds. The sum of seven thousand five hundred dollars of the appropriation for the public schools of the state is hereby biennially appropriated and set apart to be expended by the state board of education under the provisions of this subchapter: Provided, that of each biennial appropriation a sum not exceeding five thousand dollars may be expended by the state board of education in the establishment of new libraries, and a sum not exceeding two thousand five hundred dollars may be expended by the state board of education in the enlargement of libraries according to the provisions of section four thousand one hundred and seventy-seven of this subchapter.

1901, c. 662, s. 11; 1903, c. 226, s. 7; 1905, c. 381, s. 7.

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